

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JAN 11 2000

PATRICK FISHER
Clerk

JAMES L. RAYL,

Plaintiff-Appellant,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, sued as: Metropolitan
Life Insurance Company, Inc.,

Defendant-Appellee.

No. 99-5038
(D.C. No. 97-CV-505)
(N.D. Okla.)

ORDER AND JUDGMENT *

Before **ANDERSON** , **BARRETT** , and **BRISCOE**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff brought suit against defendant, his former employer, asserting various claims. After cross-motions for summary judgment and a hearing, the district court granted summary judgment to defendant. On appeal, plaintiff challenges only three rulings by the district court: 1) its conclusion that no contract existed between plaintiff and defendant with respect to defendant's job posting policy, 2) its ruling that plaintiff had not demonstrated pretext in his age discrimination claim, and 3) its denial of plaintiff's motion to amend his pleadings to add additional claims. Plaintiff also contends that the district court incorrectly listed three facts as undisputed, arguing that he had presented contrary evidence.

We review the district court's grant of summary judgment de novo, applying the same standards applied by the district court pursuant to Fed. R. Civ. P. 56(c). *See Anderson v. Coors Brewing Co.*, 181 F.3d 1171, 1175 (10th Cir. 1999). We review that court's denial of plaintiff's motion to amend his pleadings for abuse of discretion only. *See Gold v. Local 7 United Food & Commercial Workers Union*, 159 F.3d 1307, 1309 (10th Cir. 1998). After careful review of the entire record on appeal and consideration of the parties' arguments in light of applicable law, we conclude that the district court correctly decided this case. Therefore, for substantially the reasons set forth in the district court's

order dated February 1, 1999, the judgment of the United States District Court for the Northern District of Oklahoma is AFFIRMED.

Entered for the Court

Stephen H. Anderson
Circuit Judge